

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) Case No.: 07-CR-788-LHK  
Plaintiff, )  
v. ) FURTHER PRE-TRIAL CONFERENCE  
CHRISTOPHER SARIOL, ) ORDER  
Defendant. )

A further pre-trial conference as to Defendant Sariol was held on April 26, 2012. Assistant U.S. Attorneys Jeffrey Nedrow and Jeffrey Schenk were present. Defendant Christopher Sariol was present with his counsel, Assistant Federal Public Defender Cynthia Lie.

Defendant has no objections to the government's revised exhibit list. The government has no objections to Defendant's revised witness list except for the objection to Jennifer Johnson that was addressed in the Court's April 25, 2012 Pre-Trial Conference Order.

## Defendant's Motion in Limine Re: Customer Trauma

For the reasons stated on the record, the Court ruled on Defendant's Motion in Limine to Exclude Evidence of Customer's Post-Offense Trauma, Injury or Damages Pursuant to Fed. R. Evid. 401 and 403 as follows:

Defendant's motion is DENIED as to Kathy Matthews' statement that after she paid AY its inflated claim, she found herself "breaking down and crying after seeing how her items [were] thrown around in the storage unit." The motion is also DENIED as to Kathy Matthews' statement that the move caused a tremendous amount of stress and tension in her and her fiance's relationship.

Defendant's motion is GRANTED as to Kathy Matthews' statement that her and her fiance's engagement was called off shortly after the move, that the events related to the move were the primary reasons their relationship failed, and that Matthews has not dated since.

Government's Supplemental Motion in Limine to Admit Co-Conspirator Statements

After reviewing the government's Supplemental Proffer Re: Co-Conspirator Statements and Defendant's Supplemental Opposition and considering the oral arguments of the parties at the April 26, 2012 further pre-trial conference, the Court GRANTED the government's Motion in Limine to Admit Co-Conspirator Statements.

## Government's Motion for Reconsideration Re: Proposed Verdict Form

The Court DENIED the government's motion to delete from the verdict form the jury's identification of the overt act that the jury's finds unanimously.

## Magistrate Judge Settlement Conference

Per the parties' request, the Court ordered the parties to participate in a settlement conference with Magistrate Judge Grewal on April 27, 2012.

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Continuance of Trial Date

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For the reasons stated on the record, the trial was continued from 9 a.m. on Friday, April 27, 2012 to 9 a.m. on Monday, April 30, 2012. A final pre-trial conference was set for Friday, April 27, 2012 at 3 p.m.

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**IT IS SO ORDERED.**

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Dated: April 30, 2012

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*Lucy H. Koh*

LUCY H. KOH

United States District Judge

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